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2003P07967US
(2436-125)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Ronald E. MALMIN

Serial No. 10/633,935

Filed: August 4, 2003

For: GAMMA CAMERA USING
ROTATING SCINTILLATION
BAR DETECTOR AND METHOD
FOR TOMOGRAPHIC IMAGING
USING THE SAME) BEFORE THE BOARD OF PATENT
) APPEALS AND INTERFERENCES

) Appeal No.

) Examiner: Constantine Hannacher

) Group Art Unit: 2884

) November 21, 2006

REPLY BRIEFCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a reply to the new points of argument in the Examiner's Answer dated September 21, 2006.

In section 10 (Response to Argument), the Examiner alleges that since multiple scintillation elements and multiple slats are shown in Zeng, their presence is not required in the Miraldi reference. Thus, according to the Examiner, the argument that Miraldi would not be looked to by those of ordinary skill in the art to solve a perceived problem with Zeng, is a "piecemeal" argument.

This position evidences the fact that the rejection has not considered the Miraldi

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and Zeng references as a whole, as must be done in accordance with the established legal precedent, but instead has improperly excised only desired elements and components from the prior art in an attempt to reconstruct the claimed invention. Whether Miraldi teaches an apparatus that is analogous to the Zeng apparatus is indeed relevant to the question of whether those skilled in the art would have looked to Miraldi to solve any perceived problem with the Zeng device. The fact that Miraldi is not concerned with multiple scintillators in an array, such as the Zeng device, is evidence that Miraldi is not concerned with problems of scintillator arrays such as the Zeng device, and for this reason those skilled in the art would have no basis in Miraldi from which to attempt to modify Zeng as proposed in the final rejection.

Appellant's argument in this regard is not that each element of the claimed invention cannot be found somewhere in the prior art, as the final rejection has shown, but that there is no basis in the prior art from which one of ordinary skill would have found it obvious to make the combination proposed by the final rejection. The Examiner's Answer has failed to rebut this argument.

The Examiner's Answer further mischaracterizes Appellant's argument concerning the structure of Zeng. Appellant does not argue that Zeng "requires some separation between the scintillator elements and the radiation detecting face" as alleged. Rather, Appellant's point is that the orientation of radiation receiving face 23 below the slats 102 and scintillators 106 as shown in Figs. 5A and 5B indicates that photodetectors (which receive the light radiation from the scintillators 106) must be

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configured below the slats 102 and scintillators 106. Otherwise, the face 23 would not "receive" any radiation and would not be referred to by Zeng as a "radiation-receiving" face.

CONCLUSION

In view of the foregoing and the arguments in the main brief, reversal of all grounds of rejection is respectfully requested.

Please charge any fee or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to Novak Druce Deposit Account No. 14-1437.

Respectfully submitted,

NOVAK, DRUCE, DELUCA + QUIGG LLP

Vincent M DeLuca

By _____

Vincent M. DeLuca
Attorney for Appellants
Registration No. 32,408

1300 Eye Street, N.W.
Suite 400 East Tower
Washington, D.C. 20005
Telephone: (202) 659-0100